

**TOWN OF JERICHO
BOARD OF CIVIL AUTHORITY
SEPTEMBER 22, 2016**

MEMBERS: Michael Weinberg, Chair; Debbie Rackliff, Vice Chair; Don Messier, Ann Messier, Jessica Alexander, Mary Coburn, Donna Boiney, Sarah Joslin, Jim Gallagher, Janet Gallagher, Bert Lindholm, Peter Booth (arrived 6:00 p.m.). **LISTERS:** Sandra Costes, Assessor/Listener; Lori Dykema, Lister and Andrew Levi, Lister.

OTHERS: James Clark, Eleanor Clark, Clifford Hamel, Peter Chaloux, Andy Stricker, Randy Clark and Benjamin Joslin.

AGENDA ITEMS:

Approve minutes from September 8, 2016 5:45 PM

Hear Tax Appeals:

- 6:00 PM Hear Inspection Committee Reports – GR026, OR026, CH021, MR020
- 6:30 PM SK258 Clifford and Judy Hamel
- 7:00 PM Listers' presentation – Land Values
- 7:30 PM JC001 Peter Chaloux and Carrie Dailey
- 8:00 PM CA021 Canine Run Road Homestead
- 8:30 PM OR018 Underhill Garage

Deliberative Session/Written Decisions

CALL TO ORDER

Mr. Weinberg, Chair, called the meeting to order at 5:45 p.m., and noted that the 7:00 p.m. appeal has withdrawn. A Listers' presentation regarding Land Values would be substituted at 7:00 p.m.

MINUTES: September 8, 2016

MOTION by Ms. Joslin, seconded by Ms. Boiney, to approve the Jericho BCA minutes of September 8, 2016, as written.

VOTE: VOTE: unanimous, 4 absent (Ms. Dickerson, Ms. McMains, Mr. Howe and Mr. Nulty); motion carried.

APPEALS WITHDRAWN

- Brandon and Amanda Smith – PA113
- Barbara Tonn – GAR007
- Simon and Christina Thingvold-Dutcher – JC011
- Kendra Wallace – OF009
- Christopher Luczynski – MI083
- Canine Run Road Homestead, LLC – CA021
- Susan Harritt and William Butler – NV254
- Underhill Jericho Fire Department – BT275
- Cathy and Paul Davis – CH307
- Jessica Whitney – MR026

- Raymond and Leonora Belair – BK011A
- Ann Broekhuizen – GL004
- Danny Myers and Stacey Cheney-Myers – PN047

HEAR INSPECTION COMMITTEE REPORTS**KCS, LLC – MR020**

Inspection Committee:

Don Messier, Jim Gallagher, Ann Messier.

Mr. Messier reported that the subject property was inspected on September 15, 2016. William Veve, KCS, LLC Authorized Agent, was present. The 6.2 acres is an odd shaped lot that borders the back parking lot of Mt. Mansfield Union High School. It is in a nice neighborhood. The lot has a one-half acre area cleared for a permitted 5-bedroom house and a three car garage. The rest of the lot is not cleared and the vegetation and wetlands make walking almost impossible. There is a protected marsh land in the back of the lot. As per state statutes, 32 VSA 3481(1), Fair Market Value is defined as “use, potential and prospective and all other elements...”. KCS, LLC has three approved permits and has applied for two other permits for three duplex units that are waiting for DRB approval. The committee feels that the price KCS, LLC paid for the lot is a very good deal. The previous assessment was \$108,100, and the new assessment of \$129,000 is fair, said Mr. Messier.

Mr. Weinberg asked if the report recommendation is based on securing all 5 permits. Mr. Messier replied yes. The permits are in-hand and are actual. The potential use can't be considered until next year if the permit approvals go through, said Mr. Messier.

Kenneth Brown – CH021

Inspection Committee:

Mary Coburn, Jessica Alexander, Catherine McMains. (Catherine McMains absent from meeting)

Ms. Alexander reported that the subject property was inspected on September 12, 2016. Kenneth Brown, owner, was present. It was found that 21 and 23 Cilley Hill Road were both owned by Mr. Brown. It was unclear where the boundary line between the two properties lies. There is a shared driveway for the two properties. One apartment is vacant and available to the Inspection Committee. There are three 600-square foot apartments and they are all the same. There is a very small kitchen area, a small bathroom with a shower only - no tub. The subject property is an income producing property. The Committee looked at the average per unit rental prices of \$106,400 versus \$101,133 for the subject property. The subject property rentals are under the per unit income price. Land grades were reviewed. Mr. Brown is not making as much rental income as he could by choice. The Barn was inspected. It is used by the owner and each apartment has use of one “horse stall”. It is recommended to keep the assessed value of \$303,400, said Ms. Alexander.

Randy and Christal Clark – OR026

Inspection Committee:

Sarah Joslin, Donna Boiney, Mary Jane Dickerson. (Mary Jane Dickerson absent from meeting)

Ms. Boiney reported that the subject property was inspected on September 11, 2016. Randy Clark and Christal Clark, owners, were present. The subject property consists of 1.09 acres. The house was renovated in 2004, and there is a 2-car attached garage. The committee noted that the Listers' had reduced the assessment from \$368,100 to \$358,900, which the Committee recommends as fair, said Ms. Boiney.

Robert Popeleski – GR026

Inspection Committee:

Michael Weinberg, Donna Boiney, Mary Jane Dickerson (Mary Jane Dickerson absent from meeting)

Ms. Boiney reported that the subject property was inspected on September 11, 2016. Robert Popeleski, owner, was present. The house is in good condition, there have been some renovations, and there is a finished basement. There is an access from the basement to the garage. The committee drove by the sales comparisons. The comparison homes are older with an average assessed value of \$275,000. The comparison homes were less appealing than the subject property. The committee supports an assessment of \$262,100, said Ms. Boiney.

DELIBERATIVE SESSION

Mr. Weinberg asked the public and the Listers to leave the hearing.

MOTION by Ms. Coburn, seconded by Ms. Rackliff, to recess the BCA hearing and enter Deliberative Session for the purpose of approving Inspection Committee Reports related to 2016 tax assessment appeals. (GR026, OR026, CH021, MR020)

VOTE: unanimous, 4 absent (Ms. Dickerson, Ms. McMains, Mr. Howe and Mr. Nulty); motion carried.

The BCA recessed the hearing and entered Deliberative Session at 6:08 p.m. A written decision will be mailed to the appellants within 15 days

MOTION by Ms. Coburn, seconded by Ms. Rackliff, to adjourn Deliberative Session and reconvene the BCA hearings.

VOTE: unanimous, 4 absent (Ms. Dickerson, Ms. McMains, Mr. Howe and Mr. Nulty); motion carried.

Deliberative Session was adjourned and the BCA hearing reconvened at 6:26 p.m.

Mr. Weinberg called a break from 6:26 p.m. to 6:30 p.m.

The Listers and appellants returned at 6:28 p.m. The appellants arrived more than a half hour early for their scheduled time and the BCA chose to hear the appellants first and postpone the Lister Presentation on Land Values.

HEAR TAX APPEALS**Clifford and Judy Hamel – SK258**

Clifford Hamel, owner, appeared before the BCA. Mr. Hamel was sworn in, and signed a Witness Oath document.

Ms. Costes, Assessor/Lister, and Ms. Dykema, Lister, and Mr. Levi, Lister, were sworn in, and signed Witness Oath documents

The BCA members present were sworn in, and signed Oath documents.

Mr. Weinberg explained the BCA tax appeal hearing process and that a three-member BCA Inspection Committee would conduct a site visit and write an inspection report. The appellant would be asked if he wished to continue with the tax appeal. The BCA could increase the assessment, decrease, or keep it the same based on evidence presented, said Mr. Weinberg.

Ms. Radcliff handed out copies of the Assessor's informational packet and appellant's written testimony packet for review.

ASSESSOR'S REPORT

Ms. Costes introduced the subject property that consists of a dome house and 11.1 acres of land.

APPELLANT COMMENTS

Mr. Hamel narrated a power point presentation of his property, located at 258 Skunk Hollow Road and Route 117. His shared driveway is one-half mile long and is self maintained as a private road, which would be a negative factor if it were for sale. It is not a normal parcel and should have a lower value. The access is 200' above Skunk Hollow Road and Route 117. There is a narrow spiral stair case from the basement and up to the loft area, and a single bathroom. There is a pellet heating system. The water is an electric push button system that is 40 years old. The company for that system is out of business and parts for repairs are no longer available. The dome design is unique. Vehicular traffic noise from Route 117 has increased over the years and can be heard clearly from the property. There is a question of square footage calculated by the Listers at 1,715 square feet versus his calculation of 1,744 square feet. The loft has 366 square feet of floor space and the basement has three finished rooms. It is hard to compare his dome house to a normal house. He looked at 9 sale comparison properties and found that his property is assessed higher than traditional homes with similar square footage and value. His resale value would be less. A more realistic value should be \$258,000, said Mr. Hamel.

ASSESSOR COMMENTS

Ms. Costes agreed that it is a unique property. There are no other dome houses in Jericho and none have sold anywhere. The appellant has met with the Listers. Exhibit 1, the Grievance hearing report, notes that there is a boundary line problem with a neighbor. Mr. Hamel had said that the house value should be lower and the land value was OK. MTT is short for "more than typical", said Ms. Costes.

Ms. Costes stated that there are no sale comparison grids for the subject property. The Listers have reviewed Mr. Hamel's material. It is recommended to have an Inspection Committee visit the property, said Ms. Costes.

Ms. Costes reviewed Exhibit 2, a cost approach evaluation, and photographs. The functional area was measured on the second floor. Due to the sloped walls the measurement did not go straight to the walls since it is not usable space. That explained the differences in square footage. The CAMA card, page 1, notes that the dome was in average condition for its age. A functional depreciation of 7 percent addresses the unique dome design. Figuring a value for the subject property is part art and part science. The Inspection Committee can decide if there should be more functional depreciation assigned. The land is graded at 1.1, which indicates there is a view, or attractive feature. Residential land is graded a 1.0 on average. Exhibit 3 shows that three parcels of similar acreage sold last year. All have postage stamp-sized areas cleared to build on and are that is the only usable areas. Most have steep ravines similar to the subject property. The comparisons do have road frontage on Tarbox Road. Mr. Hamel does have a long driveway, said Ms. Costes.

BCA QUESTIONS/COMMENTS

Ms. Boiney asked if Mr. Hamel built the house. Mr. Hamel replied yes.

Mr. Booth asked what house feature resulted in 7 percent depreciation. Ms. Costes replied that the Listers have a grid to follow for square footage. At 2,700 square feet the Clark house is larger and gets a functional percentage for that, for example. It is contributory function. Physical depreciation is the age of a structure. For example, the water button push system. Due to the slope of the dome walls you can't place soap next to the wall. It is something you can't change, such as a house located next to a gas station, explained Ms. Costes.

Mr. Lindholm asked if other activities in the area can affect value – like the noise from Route 117. Ms. Costes said that comes back to the market. For example, a house located next to Route 15 has an economic impact. The road, Route 15, can't be moved. Everyone on Skunk Hollow Road is affected by the Route 117 traffic noise, stated Ms. Costes.

Mr. Hamel said that his argument is outlined on the power point slides. He can't argue with the Listers, said Mr. Hamel. Ms. Costes asked what Mr. Hamel thought the property is worth. Mr. Hamel said it is worth \$250,000-260,000 if he could sell it for that based on recent house sales. One recent sale was for \$45,000 less than the listed price. His property might list for \$50,000-60,000 less in order to sell, suggested Mr. Hamel.

Ms. Costes noted that just the house value was appraised at \$126,000 currently. Mr. Hamel said that is based on the homestead value.

Ms. Alexander asked how to identify the pictures of the sale comparisons used by Mr. Hamel. Mr. Hamel explained that the sale comparison tables are shown with the house pictures.

Mr. Weinberg asked if the appellant would like to continue his appeal. If so, a three member BCA Inspection Committee would visit the property. The committee is independent from the BCA and Listers. No new testimony can be taken at the inspection visit. The committee may recommend a higher value, a lower value, or keep the same value, said Mr. Weinberg. Mr. Hamel said that he has two family funerals to attend. He would like to continue the appeal, said Mr. Hamel.

Ms. Joslin recused herself from an Inspection Committee assignment.

INSEPTION COMMITTEE ASSIGNMENT:

Bert Lindholm, Donna Boiney, Debbie Rackliff.

Date: Monday, September 26, 2016 at 4:30 p.m.

Ms. Rackliff handed a copy of the Inspection Committee schedule to the appellant.

Peter Chaloux and Carrie Dailey – JC001

Peter Chaloux, owner, appeared before the BCA. Mr. Chaloux was sworn in, and signed a Witness Oath document.

Ms. Costes, Assessor/Lister, and Ms. Dykema, Lister, and Mr. Levi, Lister, were sworn in, and signed Witness Oath documents

The BCA members present were sworn in, and signed Oath documents.

Mr. Weinberg explained the BCA tax appeal hearing process and a three-member BCA Inspection Committee that would conduct a site visit and write an inspection report. The appellant would be asked if he wished to continue with the tax appeal. The BCA could increase the assessment, decrease, or keep it the same based on evidence presented, said Mr. Weinberg.

Ms. Rackliff handed out copies of the Assessor's informational packet and appellant's written testimony packet for review.

ASSESSOR'S REPORT

Ms. Costes introduced the subject property consisting of a single family dwelling and 0.67 acres of land.

APPELLANT COMMENTS

Mr. Chaloux reviewed that he purchased the property in 2009 for \$213,000. The new assessment of \$380,000 is a 52 percent jump and is in the top 3 percent of increases in town. There has been no added square footage and no added bedrooms. There has been one bathroom added. The Listers adjusted the square footage at Grievance and the assessment was lowered to \$369,800, which is still too high. The assessment on the barn was increased for an unknown reason. The CAMA card lists 80 square feet of finished space in the barn that does not exist. His direct neighbors have a larger lots and finished

spaces in larger outbuildings. Calculating a per acre price, his lot of 0.67 acres comes to \$182,000 per acre versus his direct neighbor's acreage at a lesser value of three-fourths to one-fifth cheaper. A higher value has been placed on his front porch. The porch is in bad condition and needs to be replaced or torn off. There should be an adjustment on the porch. His outbuilding should have a value of \$8,000-9,000, not \$23,000. On the basis of the land and lot tables his lot should be valued at \$100,000 or below. He was seeking a value mid-to-high \$200,000 versus the high \$300,000's, said Mr. Chaloux.

ASSESSOR COMMENTS

Mr. Levi stated that the Listers did not do a market/time adjustment on sale comparisons. The upstairs of the subject property was measured and the discrepancy of space was corrected. Regarding the finished barn space, the correction brings the value down about \$1,000 when depreciation is applied. Exhibit 2, are sale comparisons in Jericho Center Circle and one on Brown's Trace Road across from the high school. Land adjustments were done. Exhibit 1 is a history of the subject property. For appraisal purposed you can not look at land on a dollar per acre basis. As per state statutes, "a building lot is a building lot". Since purchased Mr. Chaloux redid a second floor dormer and that added living space, and the roof is a standing seam roof. There is 22 percent depreciation on the home. There appellant has updated the home, such as floors, etc. The sale comparisons are self explanatory. It is about Fair Market Value, said Mr. Levi.

Ms. Costes said that Jericho Center Circle is the highest and most valuable area per land values based on sales.

Mr. Levi explained that Exhibit 2 is a cost sheet for the subject property. The Jericho Center Circle comparisons all have a neighborhood code of 1.4, said Mr. Levi.

BCA QUESTIONS/COMMENTS

Mr. Booth asked if the outbuilding value has been addressed. Mr. Levi replied that it is in the cost sheet, Exhibit 2, page 2. The outbuilding is 1 ½ stories at 80 percent good. There is 750 square feet at \$23,400, which means that there is 20 percent depreciation. The 80 percent good plus the 20 percent depreciation equals 100 percent, which is the cost if it had to be rebuilt today, explained Mr. Levi.

Mr. Booth asked for clarification regarding the per square foot price discrepancy. Mr. Levi replied that he can't explain it.

Mr. Chaloux asked how a 200 year old barn can be a 'percentage' good versus a newer built barn. After Grievance the barn value changed from what was listed on-line before Grievance. Mr. Levi said that they are talking about an outbuilding. It changed from \$14,000 to \$23,000 after Grievance. The Listers can meet with Mr. Chaloux again regarding the outbuilding value, suggested Mr. Levi. Mr. Booth asked if the Listers can answer why the value changed. Ms. Costes said that she can see the change. The whole subject property assessment is based on the sales grid. The assessment went from \$380,400 to \$369,800 at Grievance. Exhibit 1 is the record from the Grievance hearing, said Ms. Costes.

Mr. Chaloux reviewed the following:

- The roofing didn't change; it is the same as what was there. It is not standing seam, it is screw-down metal roofing.
- Property value acres are not on a 1 to 1 basis; three acres is not the same as 1 acre. A building lot is not the same as another building lot.
- The town recently changed to one-quarter acre zoning. Properties with 1, 4, or 6 acre lots can now build more houses on that lot versus a 0.6 acre lot.
- His property is surrounded by roads, a church, and other buildings on all 4 sides versus his neighboring properties that have woods and open spaces.

Mr. Weinberg pointed out that the CAMA card, dated 09/22/2016, indicated a \$375,300 assessment. Ms. Costes explained that when the grids were put together the \$375,300 was in the narrative on a worksheet, which shouldn't be in the record. If the depreciation is decreased to 20 percent from 22 percent then the median adjusted price is \$375,300. The Listers are recommending an assessment of \$369,800, said Ms. Costes

Ms. Alexander noted that the Exhibit 2 sale comparisons adjustment of the Brown's Trace property, shown in purple, and the rest are all the same land values. The subject property is surrounded by roads and a church, noted Ms. Alexander. Ms. Costes replied yes; the lots have the same values.

Mr. Chaloux asked if the differences in condition of his house and the sale comparisons were addressed. Ms. Costes replied yes, the condition and quality grades were adjusted as necessary.

Mr. Weinberg asked if the appellant would like to continue his appeal. A three member BCA Inspection Committee would visit the property. The committee is independent from the BCA and Listers. No new testimony can be taken at the inspection visit, said Mr. Weinberg. Mr. Chaloux replied yes.

INSEPCION COMMITTEE ASSIGNMENT:
Michael Weinberg, Don Messier, Ann Messier.

Date: Sunday, September 25, 2016, at 5:00 p.m.

Ms. Rackliff handed a copy of the Inspection Committee schedule to the appellant.

Canine Run Road Homestead – CA021

Andy Stricker, owner, appeared before the BCA. Mr. Stricker was sworn in, and signed a Witness Oath document.

Ms. Costes, Assessor/Lister, and Ms. Dykema, Lister, and Mr. Levi, Lister, were sworn in, and signed Witness Oath documents

The BCA members present were sworn in, and signed Oath documents.

Mr. Weinberg explained the BCA tax appeal hearing process and a three-member BCA Inspection Committee that would conduct a site visit and write an inspection report. The appellant would be asked if he wished to continue with the tax appeal. The BCA could increase the assessment, decrease, or keep it the same based on evidence presented, said Mr. Weinberg.

Ms. Radcliff handed out copies of the Assessor's informational packet and appellant's written testimony packet for review.

ASSESSOR'S REPORT

Ms. Costes introduced the subject property at 21 Canine Run Road consisting of a single family dwelling and 24.8 acres of land. Canine Run Road is located off Nashville Road, which is off Snipe Island Road.

APPELLANT COMMENTS

Mr. Stricker explained that he purchased the 21 Canine Run property June of last year. His home is an adjacent property that he has owned since 2007. He now owns two lots next to each other. The change of appraisals for his two Canine Run properties are a 30 percent increase each than homes in the Nashville Valley area at an average of 17 percent increase. He had overpaid to get the adjacent lot. An 'average' purchase price doesn't match. He filed a grievance and the assessment was lowered, but it is still significantly higher than the neighborhood average of \$285,000-290,000 versus his assessment of \$309,100. He used three comparisons of similar acreage and similar settings at \$300,000. These are assessed values, not sales, but are listed sales on the CAMA cards. He has 10 percent less acreage and one bedroom less than 99 Field's Lane. Physical depreciation is 58 percent less and he has a one-half mile private road to maintain. The comparison houses are larger with two times more space and rooms. Yet his assessment is a 37 percent increase. The property at 58 Field's Lane is a similar story, said Mr. Stricker.

ASSESSOR COMMENTS

Ms. Costes said that Exhibit 1 is a history of the subject property, and the cover sheet of the appeal. Exhibit 2 are sale comparisons that suggest that the subject property is holding the value as recommended. The sales data supports that value. Exhibit 3, page 2, is the MLS listing and photograph of the subject house. Mr. Stricker is correct that the sales price he paid at closing was \$308,000. The subject property was not on the open market. A real estate agent was involved and it is a "comp entry" so that the sale agent gets credit for that sale, explained Ms. Costes.

Ms. Costes reiterated that the MLS listing price closed at \$308,000. A question is – was an appraisal done, asked Ms. Costes. Mr. Stricker replied yes. It came to the sales price and he thought it suspicious. He actually paid \$305,200, said Mr. Stricker.

Ms. Costes asked if the basement was finished, or not. The Listers' card notes no finish to the upstairs or basement. The second floor came on the record at reappraisal. The MLS sheet indicates a finished basement. The Listers recommend the stated assessment, said Ms. Costes.

Ms. Costes noted that Mr. Stricker's comparison properties are not sales. One is a double-wide mobile home and is not a comparison to the subject property, which is a single family construction, said Ms. Costes.

BCA QUESTIONS/COMMENTS

Mr. Weinberg asked if the finished area of the subject property is what was assessed as of April 1st. Mr. Stricker said he didn't know if the assessment included a finished upstairs, or not. He was not sure what is considered a "finished basement". The real estate agent put it on the MLS listing. It has some wood on the walls, no flooring or heat prior to April 1st. The house was inspected and reassessed after the upstairs was finished, but he didn't know when that happened, said Mr. Stricker.

Ms. Costes said that the Listers haven't inspected the basement. The point is, when the upstairs and basement areas were finished. If his assessment went up a 'percentage', then the second floor must have been added for the increased square footage, suggested Ms. Costes.

Ms. Costes noted that the land value change is \$115,200, and the \$309,100 assessment includes the house and 24.8 acres.

Mr. Weinberg asked if the second lot is being appealed. Mr. Stricker replied no. The subject property is a company owned property and the other is his private home, said Mr. Stricker.

Mr. Stricker asked how a one-half mile private road is taken into account. Ms. Costes said that a private road has no residual value. The residual land grade is 0.7 and a 1.0 grade for the land. Everything has been taken into consideration. The sale's price is the price paid for 11 acres of abutting land and supports the land values on the same private road, said Ms. Costes.

There was discussion regarding the purchase price shown on the land transfer paperwork for \$308,000, the price that Mr. Stricker said he paid of \$305,000, and if the basement was finished, or not. Mr. Messier asked if the basement had a ceiling, and if the walls were paneled, or studded. Mr. Stricker replied that the basement has acoustic ceiling tiles, and the floor is concrete.

Mr. Lindholm said that in previous BCA hearings, the Listers said that they looked at comparisons in the neighborhood. The Listers' sale comparisons were from Morgan Road and Brown's Trace Road, which are located directly on town paved roadways. The Nashville Road area is significantly different in a very rural area, said Mr. Lindholm. Ms. Costes said yes; adjustments were given on the sales grid for land and location. One and one-half story houses were used, said Ms. Costes.

Mr. Lindholm said that the applicant provided comparisons. Mr. Levi replied that those were not sales, and one was a mobile home.

Mr. Lindholm asked how to ameliorate those discrepancies. Ms. Costes said same tables are used on all structures in town. Land schedules are based on locations, clarified Ms. Costes.

Ms. Alexander asked how the differences in the \$305,000 paid and the listed price of \$308,000 was handled. Ms. Costes said that \$325,000 was the asking price. Mr. Stricker explained that there was a problem with the water. The well was found to have radium levels and a reduction was agreed upon at the closing. The HUD price is less. He paid a higher price in order to secure the property, paying \$30,000-20,000 more than it would have sold for on an open market. The property was appraised for \$285,000. It is a small house, said Mr. Stricker.

Mr. Weinberg asked if the appellant would like to continue his appeal. A three member BCA Inspection Committee would visit the property. The committee is independent from the BCA and Listers. No new testimony can be taken at the inspection visit, said Mr. Weinberg. Mr. Stricker replied no and withdrew his appeal.

Underhill Garage – OR018

Randy Clark, Clark's Truck Center President, appeared before the BCA. Mr. Clark was sworn in, and signed a Witness Oath document.

Ms. Costes, Assessor/Lister, and Ms. Dykema, Lister, and Mr. Levi, Lister, were sworn in, and signed Witness Oath documents

The BCA members present were sworn in, and signed Oath documents.

Mr. Lindholm recused himself for personal and knowledge reasons. Ms. Rackliff recused herself for personal reasons.

Mr. Weinberg explained the BCA tax appeal hearing process and a three-member BCA Inspection Committee that would conduct a site visit and write an inspection report. The appellant would be asked if he wished to continue with the tax appeal. The BCA could increase the assessment, decrease, or keep it the same based on evidence presented, said Mr. Weinberg.

Ms. Alexander handed out copies of the Assessor's informational packet. Mr. Clark handed out binders with his written testimony for review.

ASSESSOR'S REPORT

Ms. Costes introduced the subject property that consists of a 2,700 square foot 4-bay garage, and two parcels: Lot A with 1.36 acres and Lot B with 1 acre. The subject property is located at 18 Orr Road and is a commercial property.

APPELLANT COMMENTS

Mr. Clark thanked the BCA members and Listers. The booklet packet does not contain sales comparison properties. The Underhill Garage facility was built 30 years ago. In

2003 he purchased the building, which has a concrete floor and no heat. In 2005 the town reappraised the property and the value went from \$53,100 to over \$200,000. It was adjusted to \$140,900. The new appraisal is \$228,400. That is a 62 percent increase in value. The property at 20 Orr Road went up less. The subject property is similar in that the land slopes down with a brook in the back. He is asking the BCA to inspect the property, said Mr. Clark.

ASSESSOR COMMENTS

Ms. Costes noted that Exhibit 1, a property history, consists of only one page. In 2005 the assessment was reduced from \$228,400 to \$140,900. The new assessment is \$228,400, said Ms. Costes.

Ms. Costes explained that the Listers based the assessment on the subject property history, best use, and potential use. These are two commercial lots; one has a storage garage and another parcel in back. The CAMA card lists the 1.27 acre at a 1.0 grade and the second lot of 1 acre at a 0.5 grade. This cuts the grade by 50 percent for a value of \$69,400 for the second lot. The deeds, transfer record and survey show that there are two lots. The back lot is grandfathered in and has a value reduced at 50 percent, clarified Ms. Costes.

Ms. Costes said that the transfer record shows that \$150,000 was paid for both lots and a building in 2004. Land is a non-wasting asset. The Listers recommend keeping the assessment at \$228,400. If the appellant sold the subject property for an automotive business he could realize \$228,000, said Ms. Costes.

BCA QUESTIONS/COMMENTS

Mr. Weinberg pointed out that the appraisal from 10 years ago was \$228,400 and went to \$140,900. Now it is the exact amount from 10 years ago. Is this a different appraisal that now includes the building, asked Mr. Weinberg. Ms. Costes said that the Listers looked at the dates and transfers. Robert Bugbee sold the 2.27 acres to Underhill Garage. Prior to that RMB Construction sold the property to Robert Bugbee for \$150,000. The town land survey indicates that in 2004 there were two separate parcels, said Ms. Costes.

Ms. Alexander said that the deed shows a transfer history to Robert Bugbee from Robert Kohler in 1999.

Ms. Costes said that the Listers identified and valued the subject property for its potential use. It was one parcel of 2.7 acres; it was not separated. There is a right-of-way to the second lot and he could sell one or both lots, said Ms. Costes.

Mr. Weinberg read that the Clark booklet, page 1, in front of the blue tab, notes that the appraisal was \$203,800 10 years ago. The appraisal went from \$203,800 to \$140,900. Now it is 208,900. Ten years ago did the assessor look at potential uses, or actual use, asked Mr. Weinberg. Ms. Costes replied that it is the highest and best use. Kermit lowered the rear lot grade by 50 percent. The best use would be to sell the back lot with the front lot. The Listers looked at it as a whole property versus a stand alone lot. The

highest and best use is as an extension for the use of the building on the front lot. Any assessor coming after her would understand the logic, said Ms. Costes.

Mr. Levi said that Ms. Costes has found lots assessed as one when there were separate lots in town. Now the lot has water and septic. The lot could have a building on it. The BCA should consider it as a commercial lot, but it is better to look at the two lots together. The back lot has been depreciated 50 percent, reiterated Mr. Levi.

Mr. Clark said that the land slopes down toward a brook. It is questionable if the lot could be built on. The front lot is accessed via a right-of-way. He has no access onto Orr Road, said Mr. Clark.

Ms. Costes asked if there were any restrictions or limitations on the land. Mr. Clark replied none that he was aware of. Ms. Costes said that the appellant has use of the lot for storage for parts or trucks. Could she purchase the lot and open a garage, asked Ms. Costes. Mr. Clark explained the reasoning for purchasing the subject property. The business got a state contract to supply the state with 30 trucks. He did not have enough room to park 30 trucks at his business and arrangements were made to park the trucks at the Lutheran Church as the trucks were readied. The town told the church that the church permit didn't allow for parking trucks at the church parking lot. Bob Bugbee said he would sell the property and asked the Zoning Board if 30 trucks could be parked there. The Zoning Board approved the parking request. He tried to buy the property for \$100,000, but Bugbee wanted \$150,000. He has four sons in the business and he asked if they would buy part ownership in the property for the income. They weren't interested. The corporation purchased the property, said Mr. Clark.

Ms. Costes asked if the property was for sale what price would it be. Mr. Clark replied that it was not for sale.

Mr. Weinberg asked Mr. Clark what the appraisal should be. Mr. Clark replied that this is one property of 8 that he owns. Those other properties have increased 9-10 percent. Other nearby properties went up an average of 23 percent. He would like an assessment in the range of \$155,000 for a 10 percent increase, said Mr. Clark.

Mr. Weinberg asked if the appellant would like to continue his appeal. A three member BCA Inspection Committee would visit the property. The committee is independent from the BCA and Listers. No new testimony can be taken at the inspection visit, said Mr. Weinberg. Mr. Clark replied yes.

INSEPTION COMMITTEE ASSIGNMENT:
Jim Gallagher, Janet Gallagher, Peter Booth.

Date: Saturday, October 1, 2016, at 9:00 a.m.

Ms. Alexander handed a copy of the Inspection Committee schedule to the appellant.

OTHER BUSINESS**NEXT MEETING:**

- Thursday, October 13, 2016, at 5:30 p.m. – Land Presentation at 5:30 p.m., 1st BCA appeal hearing at 6:00 p.m.
- Thursday, October 22, 2016, at 5:45 p.m.
- Thursday, November 10, 2016, at 5:45 p.m.

The BCA hearings were recessed at 8:50 p.m. and will reconvene at the next meeting.

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.

These minutes were approved by the BCA on October 13, 2016